

STATEMENT OF JOSEPH M. LAWLER, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON RESOURCES, CONCERNING H.R. 1515, TO ADJUST THE BOUNDARY OF THE BARATARIA PRESERVE UNIT OF JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE IN THE STATE OF LOUISIANA AND FOR OTHER PURPOSES.

JUNE 9, 2005

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1515. This bill would adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve (Park) in Louisiana.

The Department supports H.R. 1515. The bill is similar to a legislative proposal transmitted by the Administration in the 108th Congress.

This bill would authorize the Secretary of the Interior (Secretary) to acquire about 3,900 acres adjacent to the Barataria Preserve (Preserve) unit of the park by transferring existing federally owned lands to the National Park Service (NPS). The bill also would expand the authorized acreage of the Barataria Preserve from 20,000 acres, to approximately 23,000 acres. The bill would also make clarifying amendments to Title IX of the National Parks and Recreation Act of 1978, the legislation that established the park.

The Jean Lafitte National Historical Park and Preserve was established to preserve significant examples of the rich natural and cultural resources of Louisiana's Mississippi

Delta region. The park illustrates the influence of environment and history on the development of a unique regional culture. The Barataria Preserve, one of the park's six units and currently consisting of approximately 18,400 acres, is located in Jefferson Parish, about 10 miles south of New Orleans.

The boundary expansion proposed by H.R. 1515 would allow the addition of estuarine and freshwater wetlands to the Barataria Preserve's boundaries, allowing the boundary to conform to existing waterways and levee corridors, that mark the interface between developable land and estuarine wetlands. The expanded boundary would also include wetlands that are part of the Barataria-Terrebonne National Estuary, the most biologically productive in North America, which has experienced the highest rate of land loss of any of our coastal wetlands.

H.R. 1515 would transfer primarily wetlands that are already in federal ownership to the NPS. A 1996 NPS boundary study found "Bayou aux Carpes" and "Bayou Segnette" to be appropriate and feasible for inclusion within the boundary of the preserve. These lands are currently unavailable for public use. The study also concluded that adding the two areas would enhance interagency management of the upper Barataria basin.

The Bayou aux Carpes area consists of approximately 2,905 acres. The majority of these acres are wetlands that were acquired by the Justice Department in 1996 through a settlement agreement. Currently, the NPS has constructive possession of the deeds for these lands but no authority to manage them.

In addition to Bayou aux Carpes, the bill would add approximately 815 acres of the Bayou Segnette, an area also known as the “CIT Tract”. The CIT Tract consists of wetlands owned by the U.S. Army Corps of Engineers (Corps) as the result of a separate lawsuit settled in 1994. The Corps has indicated its willingness to transfer management authority for these lands to the NPS once the Hurricane Protection Levee is complete and an easement is granted to the local levee district along the boundary of the tract.

H.R. 1515 would also include approximately 821 acres of private property, in 10 tracts within the park boundary, which could be acquired by the Secretary from willing sellers. The NPS has contacted all of the owners of these properties, and none have opposed the boundary change. Four of the tracts, totaling approximately 250 acres, are extensions of wetland properties already within the present boundary. An additional 485-acre tract is entirely wetlands with limited access and no potential for development. The owners of this property have petitioned members of Congress for legislation that includes them within a new boundary. While appraisals have not been completed, estimates for these areas, based on other recently appraised wetlands, reflect acquisition costs of approximately \$170,000.

The remaining five tracts of private property, about 86 acres, are not wetlands. The owners of the two largest properties, each just under 40 acres, have expressed their interest in being included within a new boundary, and a willingness to consider selling to the NPS. One of these properties has a single residence upon it, the owner of which

would be granted lifetime occupancy in the event of federal acquisition, in accordance with the legislation that established the park. A small swamp tour business is located on the other 40-acre property and the owners of both the property and the business have expressed their support for inclusion of the property within the boundary. The park does not anticipate acquiring these lands at this time, and appraisals have not been completed. NPS is also unaware of any recent nearby sales that could serve as a comparable. However, in the past NPS has paid between \$10,000 and \$80,000 per acre for comparable land within the boundary with the higher figure for lots that included utilities, highway, and waterfront access. These lands are isolated, accessible only by a dirt road and do not include utilities, highway or waterfront access. Although the potential price range per acre is large, NPS believes that if these lands were appraised the cost per acre would be in the lower end of the range. If a figure of \$25,000 per acre is used, the cost for these 86 acres could potentially be approximately \$2.1 million.

The expanded boundary proposed in H.R. 1515 would also include a State-owned highway right-of-way and State-owned hurricane protection levee properties that run along the current boundary. Although these properties would remain in State ownership, their inclusion within the new boundary would provide opportunities for partnerships between the NPS and the State or its subdivisions for law enforcement and boundary patrol.

Managing the additional lands, consisting of boat patrols conducted with varying frequency, could have an effect on park operational costs. Because the lands would

remain undeveloped, we estimate additional management costs of approximately \$100,000. A more accurate estimate would depend upon many factors, including the ability of the Park to reallocate resources and future plans for the addition. The addition of the federal properties would not contribute to the maintenance backlog because no facilities would be added and the federal lands would be acquired by direct transfer and would not involve acquisition costs other than those to process the transfer.

The NPS has consulted extensively with local governments and taken appropriate steps to increase public awareness on the proposed actions in H.R. 1515. In 1999, both the Jefferson Parish Council and the Village of Jean Lafitte adopted resolutions that support the Federal land transfers.

H.R. 1515 would also amend Title IX of the National Parks and Recreation Act of 1978 to make corrections in the name of the park and the Barataria unit and amend several provisions that are obsolete or need clarification, including removing references to a “Park Protection Zone” that was never established by local or State government.

Mr. Chairman, this completes my testimony. I would be pleased to answer any questions you or other members of the subcommittee may have.